

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND

-----X  
COALITION AGAINST UNLAWFUL SELECTIVE  
ENFORCEMENT, BSD TRUST, CONGREGATION  
KHAL TORATH CHAIM, INC, CONGREGATION  
CHESED UVRACHA, INC.; KOLLEL SHAS KEREN  
HATORAH, INC.; 13 ASHEL FGS, LLC; and  
ISRAEL KAHAN,

Plaintiffs,

## SUMMONS

-against-

Index No.

THE COUNTY OF ROCKLAND, THE COUNTY  
OF ROCKLAND HEALTH DEPARTMENT,  
EDWIN J. DAY, as Rockland County Executive,  
PATRICIA S. RUPPERT, DO, MHP, CEP, DAMFM,  
FAA, as Commissioner and "JOHN DOES  
AND JANE DOES 1-10",

Defendants.


-----X

To the above named Defendants:

**You are hereby summoned** to answer the Complaint in this action and to serve a copy of your Answer, or, if the Complaint is not served with this Summons, to serve a Notice of Appearance, on the Plaintiff's Attorney within 20 days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: March 26 2019  
White Plains, New York 10601

BLANCHARD &amp; WILSON

By:   
Dennis E. A. Lynch, Of Counsel  
Attorneys for Plaintiffs  
235 Main Street, Suite 330  
White Plains, New York 10601  
845-729-5744

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND

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COALITION AGAINST UNLAWFUL SELECTIVE  
ENFORCEMENT, BSD TRUST, CONGREGATION  
KHAL TORATH CHAIM, INC, CONGREGATION  
CHESED UVRACHA, INC.; KOLLEL SHAS KEREN  
HATORAH, INC.; 13 ASHEL FGS, LLC; and  
ISRAEL KAHAN,

Plaintiffs,

**COMPLAINT**

-against-

**Index No.**

THE COUNTY OF ROCKLAND, THE COUNTY  
OF ROCKLAND HEALTH DEPARTMENT,  
EDWIN J. DAY, as Rockland County Executive,  
PATRICIA S. RUPPERT, DO, MHP, CEP, DAMFM,  
FAA, as Commissioner and "JOHN DOES  
AND JANE DOES 1-10",

Defendants.

-----X  
Plaintiffs, by and through their Attorney, Dennis E. A. Lynch, Esq. as and for their  
Declaratory Action Complaint against the above-captioned Defendants, the County of Rockland,  
the County of Rockland Health Department, the County Executive Edwin J. Day, Patricia S.  
Ruppert, DO, MHP, CEP, DAMFM, FAA, as Commissioner and "John Does and Jane Does 1-  
10", allege upon information and belief as follows.

**JURISDICTION AND VENUE**

1. Jurisdiction of this Court is based upon the New York State Constitution and applicable Federal laws.
2. This action is brought pursuant to the statutory powers of the Supreme Court of the County of Rockland to decide matters within its jurisdiction.
3. Declaratory relief is authorized pursuant to the Civil Practice Law and Rules.

4. Venue is proper pursuant to CPLR § 400 et seq. in that Respondents-Defendants reside or have a place of business within the County in which this litigation is brought.

### **PARTIES**

5. At all times relevant Plaintiff Coalition Against Unlawful Selective Enforcement ("CAUSE") is an unincorporated organization within the State of New York interested on behalf of those individuals associated with CAUSE and otherwise involved in CAUSE activities with the equal enforcement of all laws and other rights within New York State.

6. At all times relevant Plaintiff BSD TRUST is the owner of property in the County of Rockland and owns property at 48 Bates Drive, Monsey, New York.

7. At all times relevant Plaintiff CONGREGATION KHAL TORATH CHAIM, INC is the owner of certain real property located at 151 Route 306 and 15 Elyron Road Monsey, New York along with its Congregation Members.

8. At all times relevant Plaintiff CONGREGATION CHESED UVRACHA, INC. is the owner of property located at 11 Ashel Lane, Kaser, New York along with its Congregation Members.

9. At all times relevant the Plaintiff KOLLEL SHAS KEREN HATORAH, INC.. is the owner of property located at 13 and 15 Weiner Drive, Monsey, New York along with its Congregation Members.

10. At all times relevant the Plaintiff 13 ASHEL FGS, LLC; is the owner of Property located at 13 Ashel Lane, Kaser, New York along with its Members.

11. At all times relevant the Plaintiff ISRAEL KAHAN is the owner of Property located at 19 Ashel Lane, Kaser, New York.

12. All of the Plaintiffs are referred to collectively herein as the "Plaintiffs".

13. At all times relevant Defendant County of Rockland (“Defendant County”) is a Municipal Corporation organized under the laws of the State of New York having jurisdiction over all municipal matters within the territorial boundaries of Rockland County, including the lawful enforcement of applicable rules, regulations and codes.

14. At all times relevant Defendant County of Rockland Health Department (“Defendant Health Department”) is a Department within the County having responsibility for the lawful enforcement of the New York State Sanitary Codes and other public health related regulations with regard to those matters lawfully delegated to the Department of Health. New York and resides in the County of Rockland, State of New York.

15. At all times relevant Defendant-Respondent, Edwin J. Day (“County Executive”) is and was the duly elected County Executive for the County of Rockland, New York and resides in the County of Rockland, State of New York.

16. At all times relevant Defendant Patricia Ruppert, DO, MHP, CEP, DAMFM, FAA (“Defendant Ruppert”) has been duly employed as a Commissioner for the Department of Health in the County and has an Office for the conduct of business in the County of Rockland.

17. At all times relevant Defendants “John Does and Jane Does 1-10” are intended to be persons whose names and/or actions are presently unknown and who conspired with the named Defendants regarding the actions set forth in this Complaint.

### **BACKGROUND OF LITIGATION**

18. This action is brought by Plaintiffs to obtain redress for wrongs regarding past and ongoing Civil Rights Violations and other violations of law involving the application and selective enforcement of laws, rules and regulations that are without statutory power for the Defendants to

adopt and enforce as well as actions that infringe upon Plaintiffs' religious freedom, liberty and property rights as well as other civil and statutory rights.

19. Defendants seek to enforce and otherwise apply purported Rockland County laws, rules and regulations without the lawful authority to do so.

20. Defendants singled Plaintiffs out based upon application of an unconstitutionally vague regulations and the Defendants selectively prosecuted Codes violations.

21. Since efforts to exercise their civil and other rights began, Plaintiffs have been subjected to unequal as well as outrageously arbitrary and capricious conduct by Defendants who have abused their authority and allowed unlawful prejudices to govern municipal affairs.

22. These Civil rights and other violations have continued to have the purpose and effect of directly depriving Plaintiffs of their constitutional and statutory rights.

23. Defendants' conduct is and should be declared unlawful, and should be permanently enjoined and Defendants as well as all those acting in concert with them should be enjoined from performing any and all acts in furtherance of depriving Plaintiffs of their rights under law.

24. Within the County of Rockland there is an expanding population of Orthodox Jewish and Hasidic Jewish families that some Defendants desire to limit by seeking to eliminate housing opportunity for such Jewish Families in Rockland County.

25. The growth of those Orthodox and Hasidic families (collectively the "Religious Community") have caused considerable political controversy where the Defendant County Executive and his Administration has clearly signaled opposition to this expanding Religious Community within the County by their actions as set forth herein.

26. The Defendant County acting by its County Executive directs the activities, practices

and policies of the Defendant Health Department and ultimately all employees of the Defendant Health Department, including the “Does” Defendants.

27. In that capacity, the County Executive and members of his Administration have admitted as a goal the limitation of growth of the Religious Community in Rockland County.

28. The Religious Community has greatly expanded its population in the Town of Ramapo, County of Rockland, New York in comparison to all Towns in the County of Rockland.

29. In furtherance of Defendants’ aforementioned goal, policy and practice, the County Executive personally admitted to a former Rockland County Department Head who directed the grant of federal monies within the County regarding providing said funding to the Town of Ramapo that said Department Head should be careful not to give too much money in the Town of Ramapo as that would allow for the Religious Community to “continue growing.”

30. Additionally, the current Deputy County Executive also previously advised this same Department Head about the Religious Community that Plaintiffs are an important part of, when remarking “We can’t stop them, but we can and must try to slow their growth down.”

#### **BACKGROUND OF DEFENDANT COUNTY EXECUTIVE ACTION**

31. Beginning on or about April 30, 2015 the County Executive in a public relations release announced the “First Phase of Initiative targets illegal, unsafe housing.”

32. At the time of the press release launching the “Rockland Codes Initiative” (“RCI”) the County Executive indicated that, “The first Phase of the Initiative will utilize the broad powers of the Rockland County Department of Health to improve the local housing supply for all economic segments of the community.”

33. The aforementioned media release by the County Executive indicated furthermore that,

“The Rockland Codes Initiative will utilize the broad powers of the County’s sanitary code to inspect dwellings and issue violations.”

34. The County Executive also conceded that, “Code enforcement is essential for creating an environment that preserves the quality of life for our people, while attracting private investment in our Towns and Villages.” These references to “quality of life” and “our people” are coded language used by those opposed to the Religious Community.

35. The County Executive further announced that “web-based complaint” forms will be available where “individuals will confidentially report suspected illegal housing or unsafe living conditions.”

36. As part of the RCI Program announced by the County Executive in April 2015, a “multiple dwelling registry law (the “Registry”) was established for the “Rockland County Department of Health to track and correct health code violations . . . .”

37. There was no indication regarding what provisions of New York State Law, Rules and Regulations, if any, authorized the County Executive to launch this RCI Program as well as establish the Registry.

38. To highlight also the tax revenue generating nature of the RCI and Registry, the County Executive announced in a media release of May 2, 2014, “The results after one year show that this initiative has been a success.”

39. As a measurement of that purported “success”, the County Executive in the aforesaid media release indicated that “\$453,166.25 in fines were assessed, compared to \$53,673 a year before.”

40. Prior to the initiation of this litigation, the County Executive was asked through the

County Attorney's Office to provide a legal basis for the actions undertaken as set forth herein and the County Executive through the County Attorney did not provide any indication of specific legal authority for the aforementioned activities set forth in this Complaint.

### **UNLAWFUL BASIS FOR RCI AND REGISTRY**

41. Pursuant to applicable provisions of New York State Law, the rights and responsibility of the County Executive are set forth under applicable law, particularly under the Rockland County Charter.

42. The provisions of the Rockland County Charter do not provide any express powers for the County Executive to undertake the activities as set forth herein generally and more specifically with regard to the establishment and enforcement of the RCI and Registry.

43. As more fully set forth herein, the actions of the County Executive with regard to the RCI and Registry is unlawful as well as usurping the authority of the Rockland County Legislature whose approval of any type of RCI or Registry activity is required as a matter of law.

### **The County Charter**

44. In accordance with the Municipal Home Rule in the State of New York, the Rockland County Charter ("Charter") was established to set forth the form of government in Rockland County.

45. That form of government pursuant to the Charter consists of a County Legislature and a County Executive.

46. With regard to the powers and duties of the County Legislature, the same are set forth in Article II, Section C 2.01.

47. Under the provisions of the Charter, those powers and duties of the County Legislature are expansive in nature.



48. For example, the County Charter at C 2.01 indicates:

The County Legislature shall have and exercise all powers and duties of the county, except as provided in this County Charter Law, now or hereafter conferred by applicable law and any and all powers necessarily implied or incidental thereof.

49. This expansive right of the County Legislature to “exercise all powers and duties of the County” must be contrasted with the very limited actions of the County Executive who only has imposed a “duty” under the County Charter at C 3.02 to take certain actions.

50. Contrasting this “duty” of County Executive under C 3.02 with the expansive “all powers and duties” of the County Legislature at C 2.01, the Charter demonstrates the very limited right of action of the County Executive in contrast with the broad powers and right to act of the County Legislature.

51. This distinction is important as the County Legislature is the true political body of the “People” of Rockland County and all of those powers derive from this democratic consideration that the People of Rockland County through their elected representatives ultimately control municipal affairs of Rockland County, subject to other specific and limited delegations of power.

52. As one of the drafters of the County Charter has confirmed, being the representative of the “People” of Rockland County, the County Legislature has all the “residual power” including the power to establish, enforce and otherwise adopt programs such as the RCI and the Registry.

53. Likewise, the County Legislature under Article II Section C2.01 possesses all of the “residual powers” to act on behalf of the County of Rockland such as enacting the RCI and Registry programs, rules and regulations.

54. The County Executive has no such residual power and clearly no express power to initiate the RCI and the Registry as a County Legislature expressly has under the County Charter. (County Charter at C.201(e)).

**State Law Authorizing County's Charter Law and the Separation of Powers**

55. New York State jurisprudence is clear regarding the power of any County to establish its specific form of local countywide government.

56. The County of Rockland followed this well-established constitutional pathway in adopting its own Rockland County Charter (the "County Charter").

57. In pertinent part, New York State Constitution, Section 1 of Article IX, provides as follows:

(h) (1) Counties, other than those wholly included within a city, shall be empowered by general law, or by special law enacted upon county request pursuant to section two of this article, to adopt, amend or repeal alternative forms of county government provided by the legislature or to prepare, adopt, amend or repeal alternative forms of their own.

58. Also in pertinent part, the New York State Constitution, Section 2 of Article IX, provides as follows:

(b) Subject to the bill of rights of local governments and other applicable provisions of this constitution, the legislature:

(1) Shall enact, and may from time to time amend, a statute of local governments granting to local governments powers including but not limited to those of local legislation and administration in addition to the powers vested in them by this article. A power granted in such statute may be repealed, diminished, impaired or suspended only by enactment of a statute by the legislature with the approval of the governor at its regular session in one calendar year and the re-enactment and approval of such statute in the following calendar year.

(2) Shall have the power to act in relation to the property, affairs or government of any local government only by general law, or by special law only (a) on request of two-thirds of the total membership of its legislative body or on request of its chief executive officer concurred in by a majority of such membership, or (b) except in the case of the city of New York, on certificate of necessity from the governor reciting facts which in the judgment of the governor constitute an emergency requiring enactment of such law and, in such latter case, with the concurrence of two-thirds of the members elected to each house of the legislature.

(3) Shall have the power to confer on local governments powers not relating to their property, affairs or government including but not limited to those of local legislation and administration, in addition to those otherwise granted by or pursuant to this article, and to withdraw or restrict such additional powers.

59. Additionally, New York State Municipal Home Rule, Article 4, §33, provides, in pertinent part, as follows:

1. Subject to restrictions in the constitution, in this article or in any other applicable law, the board of supervisors of any county as defined in section thirty-two of this article and including but not limited to a county which has heretofore adopted a charter enacted by the legislature shall have power to prepare, adopt, amend or repeal a county charter.

2. A county charter shall set forth the structure of the county government and the manner in which it is to function. Such charter may provide for the appointment of any county officers or their selection by any method of nomination and election, provided that there shall be an elective board of supervisors, the members of which shall be deemed county officers, which shall determine county policies and exercise such other functions as may be assigned to it.

3. Such a county charter shall provide for:

- a. The exercise by the board of supervisors of the powers of local legislation and appropriation of the county.
- b. The agencies or officers responsible for the performance of the functions, powers and duties of the county and of any agencies or officers thereof and the manner of election or appointment, terms of office, if any, and removal of such officers.

...

4. Such a county charter may:

- a. Assign executive or administrative functions, powers and duties to elective or appointive officers...

60. It was pursuant to this aforementioned constitutional provisions that the jurisprudential pathway was paved for the Charter to be lawfully established governing the rights the limitation to those rights and for the County Legislature and the County Executive here in Rockland County.

**County's Charter Law and Separation of Powers Therein**

61. Pursuant to the aforementioned New York State constitutional and statutory authority, the County Charter Law setting forth a separation of powers between the Defendant Day and the County Legislature was established herein. (See, County of Rockland Charter, Chapter C, adopted 1983 and approved 1984 at <https://www.ecode360.com/12119265> at Articles II and III;).

62. In pertinent part, Article II of the Charter empowers the County Legislature as follows:

The County Legislature shall be the legislative, appropriating and policy-determining body of the county. The County Legislature shall have and exercise all powers and duties of the county, except as provided in this County Charter Law, now or hereafter conferred by applicable law and any and all powers necessarily implied or incidental thereto. In addition to all powers conferred by the foregoing or other provisions of this law, the County Legislature shall have the power, among others:

...

c. To exercise all powers of local legislation in relation to enacting, amending or rescinding local laws, legalizing acts or resolutions, which shall all be binding upon the County Executive, the Legislature and all department heads.

...

j. To determine and make provision for any matter of county government not otherwise provided for.

63. Also in pertinent part and in contrast, Article III of the County Charter empowers Defendant County Executive as follows:

It shall be the duty of the County Executive, subject to the provisions of this law, to supervise, direct and control the administration of all departments of the county government and, subject to confirmation by the County Legislature, he or she shall appoint a Deputy County Executive, the head of every county department and members of county boards and commissions, who shall serve at his or her pleasure, except as otherwise may be provided in this County Charter. ... In addition to any other powers and duties otherwise provided, the County Executive shall:

a. Supervise and direct the internal organization and reorganization of each department or other administrative unit, the head of which he or she has power to appoint.

b. Be the chief budget officer of the county and present to the County Legislature the annual budget as provided by law and, at the close of each fiscal year or as soon thereafter as

practicable, a report of the financial and other transactions of the county, including the reports of the several departments of the county government.

...

g. Have the power to veto acts of the County Legislature in the manner prescribed in § C2.02 of this law; provided, however, that if the County Executive shall veto any changes duly adopted by the County Legislature in the budget presented by the County Executive, the County Legislature may override said veto in the manner prescribed in § C4.08 of this law upon the affirmative vote of a two-thirds of the total voting power to the next highest whole number.

...

s. Be chief administrative officer of the County of Rockland.

t. Look after the physical properties of Rockland County, exercise general supervision over county departments and coordinate the various activities of the county and unify the management of its affairs.

...

x. To execute and enforce the laws of the United States, the State of New York, pertaining to the affairs and government of the county, and the duly adopted resolutions and local laws of the County Legislature. In addition to the powers set forth in this law, he or she shall have and be responsible for the exercise of all executive and administrative powers in relation to any and all functions of county government not otherwise specified in the Charter Law and have all necessary incidental powers to perform and exercise any of the duties and functions specified herein or lawfully designated to him or her.

64. The aforementioned provisions confirm the most expansive power of the County Legislature and the most limited “duty” of Defendant County Executive to act with regard to the RCI and the Registry.

#### **New York State Constitution and Statutes Mandating Separation of Powers**

65. The doctrine of separation of powers is well settled. Maron v. Silver, 14 N.Y. 230, 258 (2010), reargument dismissed, 16 N.Y.3d 736 (2011); Montano v. County Legislature of County of Suffolk, 70 A.D.3d 203, 210 (2d Dept. 2009); Orange County Legislature v. Diana, 40 Misc. 3d 278 (N.Y. Sup., Orange County, 2013).

66. In Maron, *supra*, the Court of Appeals explained the necessity and importance of this doctrine. While discussed therein in the context of New York State government, this doctrine is equally applicable at the County level. In this regard, the Court of Appeals stated at page 258:

The concept of the separation of powers is the bedrock of the system of government adopted by this State in establishing three coordinate and coequal branches of government, each charged with performing particular functions (*see generally Under 21, Catholic Home Bur. for Dependent Children v. City of New York*, 65 N.Y.2d 344, 355–356, 492 N.Y.S.2d 522, 482 N.E.2d 1 [1985]; *Matter of County of Oneida v. Berle*, 49 N.Y.2d 515, 522, 427 N.Y.S.2d 407, 404 N.E.2d 133 [1980]). The Constitution's aim “is to regulate, define and limit the powers of government by assigning to the executive, legislative and judicial branches distinct and independent powers,” thereby ensuring “an even balance of power [among] the three” (*People ex rel. Burby v. Howland*, 155 N.Y. 270, 282, 49 N.E. 775 [1898]). The separation of the three branches is necessary “ ‘for the preservation of liberty itself,’ ” and “ ‘[i]t is a fundamental principle of the organic law that each department should be free from interference, in the discharge of its peculiar duties, by either of the others’ ” (*Berle*, 49 N.Y.2d at 522, 427 N.Y.S.2d 407, 404 N.E.2d 133, quoting *Burby*, 155 N.Y. at 282, 49 N.E. 775).

67. While many cases address the issues of separation of powers, the more recent case of Orange County Legislature v. Diana, 40 Misc. 3d 278 (N.Y. Sup., Orange County, 2013) provides authority that the powers of the County Executive do not extend to enactment or adoption of the RCI or Registry Programs. of separation of powers.

68. In comparing and contrasting the powers in question with those cited in Orange County Legislature, supra, it can be readily seen that the issues, and, therefore, the outcomes, are analogous requiring a similar finding and declaration herein that County Executive lacked authority to enact, adopt or initiate the RCI and Registry Programs.. (In re Article 78 Proceeding Dutchess County Legislature, 24 Misc.3d 1236 (A, 901 N.Y.S.2d 900 (Table), 2008 WL 6690093 (N.Y. Sup., Dutchess Co., 2008) (in proceeding to restore individual to County payroll, court held that under County Charter and “under the separation of powers doctrine, the County Executive lacks authority to dictate to the Dutchess County Legislature in any fashion”), aff’d, 56 A.D.3d 469 (2d Dept. 2008)).

69. Based upon the foregoing, the County Executive is without authority to “launch” the

RCI and Registry for the reason that the aforesaid actions are insufficient to overcome the separation of powers mandated by State and local law. Civil Service Employees Ass'n, Inc. v. County of Orange 107 A.D.3d at 985 (2d Dept. 2014) (“under these circumstances, the County Executive did not have the authority to terminate the subject employees' employment for economic reasons, effective October 29, 2010).

70. Accordingly, the County Executive has acted in *ultra vires* fashion by making decisions by himself to enact, adopt or otherwise initiate the RCI and Registry Programs that are exclusively in the County Legislature's bailiwick as well as being preempted by New York State Law..

71. As detailed above, the doctrine of separation of powers is well settled and only the County Legislature can resolve to “launch” the RCI as well as the Registry.

72. The County Executive does not have the power to act unilaterally in the name of Rockland County as it is well settled that any statutory or other reference to the term “county” refers to the County Legislature, not the County Executive (In the matter of Prospect v. Cohalan, 109 A.D.2d 210, 490 N.Y.S.2d 795 (2d Dept. 1985).

73. The County Executive needs legislative approval from the County Legislature to effectuate any RCI Program or Registry Law.

#### **AS AND FOR A FIRST CLAIM FOR RELIEF**

74. Plaintiffs repeat and reallege each and every allegation in paragraphs “1” through “73” as though set forth in full herein.

75. The actions of Defendants in initiating, promulgating, enforcing and otherwise carrying out the RCI Program is without lawful authority and should be so declared by this Court.

76. Accordingly, this Court is respectfully requested to determine, declare and otherwise

hold that the actions of County Executive as well as the other Defendants in initiating and carrying out the RCI Program is *ultra vires* and otherwise improper action that should be enjoined as well as being so declared illegal.

**AS AND FOR A SECOND CLAIM FOR RELIEF**

77. Plaintiffs repeat and reallege each and every allegation in paragraphs “1” through “76” as though set forth in full herein.

78. The actions of Defendants in initiating, promulgating, enforcing and otherwise carrying out the Registry Law is without lawful authority and should be so declared by this Court as New York State Law preempts any Registry Law initiated by the County Executive

79. Accordingly, this Court is respectfully requested to determine, declare and otherwise hold that the actions of the County Executive as well as the other Defendants in initiating and carrying out the Registry Law is *ultra vires* and otherwise improper action that should be enjoined as well as being so declared illegal.

**AS AND FOR A THIRD CLAIM FOR RELIEF**

80. Plaintiffs repeat and reallege each and every allegation in paragraphs “1” through “79” as though set forth in full herein.

81. The Plaintiffs have a constitutionally protected right under the First and Fourteenth Amendments to the United States Constitution to freely practice their religion and to provide housing free from unlawful governmental interference.

82. Defendants have acted under color of state law to deprive Plaintiffs of their rights, privileges or immunities secured by the Constitution and the laws of the United States in violation of 42 U.S.C. Section 1983.

83. Defendants’ actions were taken and motivated by Defendants’ goal, policy, and



practice to suppress and limit the growth and religious practices of the Religious Community, inclusive of the Plaintiffs.

84. The foregoing constitutes clearly established statutory or constitutional rights of which a reasonable person, and the Defendants, would have known.

85. As a direct and proximate result of Defendants' conduct, the Plaintiffs have suffered a distinct and actual injury to their civil rights.

86. As a result of Defendants' actions, Defendants have caused Plaintiffs to suffer, and to continue to suffer, irreparable harm, and injury.

87. Plaintiffs will continue to suffer such injury unless the Defendants' acts and conduct complained of are permanently enjoined.

88. As a direct and proximate result of the above-referenced actions, the Plaintiffs' First Amendment rights and other rights have been violated by Defendants and said Plaintiffs have suffered and will continue to suffer injury so that an injunction should be issued.

**AS AND FOR A FOURTH CLAIM FOR RELIEF**

89. Plaintiffs repeat and reallege each and every allegation in paragraphs "1" through "88" as though set forth in full herein.

90. Defendants selectively treated the Plaintiffs as compared with others similarly situated.

91. Defendants' actions as aforesaid were not rationally related to a legitimate governmental interest.

92. Defendants' actions in treating the Plaintiffs differently from those similarly situated were invidious and wholly arbitrary.

93. Defendants singled out the Plaintiffs with malevolent or bad faith intent to injure said

Plaintiffs and/or to inhibit or punish Plaintiffs' exercise of their constitutional property rights and/or rights of freedom of association.

94. No rational person could regard the circumstances of the Plaintiffs to differ from those of the others similarly situated as aforesaid to justify the differential treatment on the basis of a legitimate government policy, and the similarity in circumstances and difference in treatment are sufficient to exclude the possibility that Defendants acted on the basis of a mistake.

95. Defendants, by their acts, have abridged and violated the rights of the Plaintiffs to Equal Protection in breach of 42 U.S.C. § 1983 and in violation of the Fifth and Fourteenth Amendments to the Constitution of the United States.

96. As a direct and proximate result of the above-referenced actions, the Plaintiffs' Fifth and Fourteenth Amendment rights to Equal Protection and other rights have been violated and the Plaintiffs have suffered and will continue to suffer injury.

**AS AND FOR A FIFTH CLAIM FOR RELIEF**

97. Plaintiffs repeat and reallege each and every allegation in paragraphs "1" through "96" as though set forth in full herein.

98. The RCI Program and Registry Law provisions as applied by Defendants to Plaintiffs are so vague as to be unconstitutional and are void.

99. The said Code provisions contain terms that when applied are so unclear that a person of ordinary intelligence does not have a reasonable opportunity to know what is prohibited, so that he or she may act accordingly.

100. The said Code provisions lack explicit standards for those who apply them and are subject to arbitrary or discriminatory enforcement.

101. The said Code provisions are impermissibly vague since they abut upon sensitive

areas of basic constitutional rights in such a way as to operate when applied by Defendants to inhibit the exercise of those rights.

102. The said Code provisions as applied by Defendants violate the Plaintiffs' rights to Due Process, as in all of their possible applications to said Plaintiffs, they lack any legitimate reason and are arbitrary, capricious, and not rationally related to any legitimate government interest.

103. The said Code provisions when applied by Defendants were arbitrary, capricious, unreasonable, malicious, improperly motivated, and conscience shocking, sought to deprive the Plaintiffs of the use of their First Amendment religious rights as well as their liberty and property rights in their Summer Camp business.

104. Additionally, whereas others similarly situated are not subject to the requirements and restrictions in the said Code provisions, the Defendants irrationally distinguished between similarly situated classes.

105. The said Code provisions were arbitrarily applied restrictions applicable only to the Plaintiffs and designed only to thwart said Plaintiffs' practice and specific plans without any relation to any legitimate governmental interest.

106. By reason of the foregoing, the said Code provisions should be declared void for vagueness, void for having violated the Plaintiffs' Due Process Rights, and void for having violated said Plaintiffs' Rights to Equal Protection.

**AS AND FOR A SIXTH CLAIM FOR RELIEF**

107. Plaintiffs repeat and reallege each and every allegation in paragraphs "1" through "106" as though set forth in full herein.

108. At all relevant times herein, Defendants developed, implemented, enforced,

encouraged and sanctioned de facto policies, practices, and/or customs exhibiting deliberate indifference to the Plaintiffs' constitutional rights which caused the violation of such rights.

109. Defendants unlawful actions were done willfully, knowingly and with the specific intent to deprive Plaintiffs of their constitutional rights under the Fourteenth Amendment to the United States Constitution.

110. The constitutional abuses and violations by Defendants were proximately caused by policies, practices and/or customs developed, implemented, enforced, encouraged and sanctioned by Defendants with a goal of limiting and suppressing the growth of the Religious Community in Rockland County.

111. The Defendants' unlawful actions were also done willfully, knowingly and with the specific intent to deprive Plaintiffs of their constitutional rights under the First and Fifth Amendments to the United States Constitution.

112. Defendants have acted with deliberate indifference to the constitutional rights of Plaintiffs.

113. As a direct and proximate result of the acts as stated herein by each of the Defendants, the Plaintiffs' constitutional rights have been violated by Defendants and said Plaintiffs have suffered and will continue to suffer injury.

**AS AND FOR A SEVENTH CLAIM FOR RELIEF**

114. Plaintiffs repeat and reallege each and every allegation in paragraphs "1" through "113" as though set forth in full herein.

115. The actions of Defendants violate the Plaintiffs rights under New York State Executive Law § 296.

116. By reason of the foregoing, the actions of Defendants should be declared illegal

and an award of appropriate damages provided to the Defendants.

117. No other application has been made for the relief accept as requested herein.


**RELIEF SOUGHT**

**WHEREFORE**, the Plaintiffs demand Judgment against all Defendants as follows; to declare the RCI Program and Registry Law unlawful; awarding Plaintiffs their costs, disbursements and reasonable Attorneys' fees incurred in the prosecution of this action, pursuant to 42 U.S.C. § 1988; preliminarily and permanently enjoining Defendants and all others acting in concert with them from undertaking any and all action in furtherance of the selective enforcement and any other individual or official act in furtherance of these illegal acts; preliminarily and permanently enjoining Defendants and all others acting in concert with them from enforcing the provisions of the said Code provisions concerning the RCI Program and Registry Law; granting such other, further and different relief as to this Court seems just, proper and equitable.

Dated: March 26, 2019  
White Plains, New York

Yours, etc.

BLANCHARD & WILSON

By:   
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